



accountability in government and fidelity to the rule of law. In furtherance of its public interest mission, Plaintiff regularly requests access to the public records of federal, state, and local government agencies, entities, and offices, and disseminates its findings to the public.

4. Defendant is an agency of the United States Government and is headquartered at 1500 Pennsylvania Avenue N.W., Washington, DC 20220. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

5. On October 16, 2008, Plaintiff sent a FOIA request to Defendant DOT seeking access to the following records:

Any and all records pertaining to the Department of the Treasury's meeting between Treasury Secretary Paulson and chief executive bankers on October 13, 2008, including but not limited to meeting notes, presentations, transcripts, agendas, and supplemental material.

6. By letter dated October 23, 2008, Defendant acknowledged receipt of Plaintiff's FOIA request on October 22, 2008.

7. Pursuant to 5 U.S.C. § 552 (a)(6)(A)(i), Defendant DOT was required to respond to Plaintiff's request within twenty (20) working days of receipt of the request. In its acknowledgment letter, however, Defendant DOT asserted that it was granting itself an additional ten (10) working days to respond to the request, apparently pursuant to the provisions of 5 U.S.C. § 552(a)(6)(B)(i).

8. Even taking into consideration the additional time Defendant DOT granted itself to respond to Plaintiff's request, Defendant DOT's response was due by December 5, 2008, at the latest. However, as of January 26, 2009, Defendant has failed to produce any records responsive

to Plaintiff's request or demonstrate that responsive records are exempt from production. Nor has it indicated when or whether any responsive records will be produced.

9. Because Defendant DOT failed to comply with the time limits set forth in 5 U.S.C. §§ 552(a)(6)(A)(i) and 552(a)(6)(B)(i), Plaintiff is deemed to have exhausted any and all administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C).

**COUNT 1**  
(Violation of FOIA)

10. Plaintiff realleges paragraphs 1 through 9 as if fully stated herein.

11. Defendant has violated FOIA by failing to respond to Plaintiff's October 16, 2008 request.

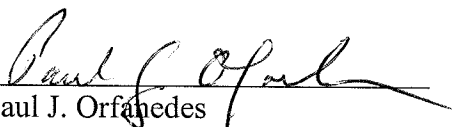
12. Plaintiff is being irreparably harmed by reason of Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with the requirements of FOIA.

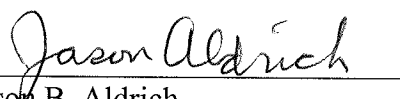
WHEREFORE, Plaintiff respectfully requests that the Court: (1) declare Defendant's failure to comply with FOIA to be unlawful; (2) order Defendant to search for and produce any and all non-exempt records responsive to Plaintiff's October 16, 2008 request and a *Vaughn* index of allegedly exempt records responsive to the request by a date certain; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to the request; (4) grant Plaintiff an award of attorney's fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: January 26, 2009

Respectfully submitted,

JUDICIAL WATCH, INC.

  
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